MT LEGISLATIVE HISTORY

Chapter 191 1973

Bill H 219 S _____ Original bill & hist. ___C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) Jan 23	✓C	Hearing Date(s) Feb 23	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Jan 23	✓C	Feb 23	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SENATE JUDICIARY COMMITTEE---February 23, 1973

The meeting was called to order by Chairman McKeon; all members were present. The first bill discussed was HB 368. Representatives Schye and Halvorson, sponsors of the bill spoke.

Next HB 66 was discussed. Representative Thomas Haines spoke and introduced the following speakers in support of the bill:
1) Larry Kelly, Manager of Penney's in Butte
2) Richard Nixon, President at Christie Furniture in Butte
3) Lois Topkaraki, Lenz Cards and Gifts in Butte
4) James Cech, Hennessey Co. in Butte
5) Senator Lynch
6) Dale Severt
7) Roderick Gudgel, Pharmiceutical Assoc.
8) Mabel Tovis, Montana Hardware
9) Dick Albert, Billings
10) Bruce Simon, Cole's Department Store, Billings
11) Glen Hanson, Security Officer for K-Mart in Billings

Next HB 287 was discussed. Jerome Loendorf of the Montana Contractor's Association spoke in support of it. Senator Turnage moved this bill be not concurred in; Senator Moore seconded; and the committee voted this bill BE NOT CONCURRED IN.

HB 219 was also discussed. Roderick Gudgel, Pharmeceutical Assoc. and the Montana Nursing Home Association spoke in support of the bill. Senator Turnage moved this bill be concurred in; Senator Harrison seconded; and the committee moved this bill BE CONCURRED IN.

HB 110 was discussed also. Senator Gilfeather moved that 110 be concurred in; Senator Zody seconded and the committee voted that HB 110 BE CONCURRED IN.

HB 46 was also discussed. Rep. Brand spoke to the committee in support of it. Senator Turnage moved the following amendments:
I move to amend Section 2, page 2, line 14 of the blue bill by reinserting the word "or" and striking the word "and" and on line 15 of the blue bill by reinserting the following "ninety (90) days" and by striking in line 15 and 16 the words "ONE (1) YEAR"

And further amend Section 2, page 2, lines 16, 17 and 18 of the blue bill by striking the following "ANY PERSON WHOHUNTS, FISHES, CAMPS OR TRAPS IN MONTANA WHILE SUCH LICENSE AND PRIVILEGE ARE SUSPENDED IS GUILTY OF A MISDEMEANOR.

Senator Harrison seconded the motion and the committee adopted the amendments. Senator Turnage moved that as amended this bill be concurred in; Senator Moore seconded, and the committee voted that AS AMENDED THIS BILL BE CONCURRED IN.

The meeting adjourned at 5:30 p.m. The next meeting is schedule for 11 a.m. Saturday.

Luke McKeon, Chairman

COMMITTEE ON Judiciary HOUSE BILL NO. 514

VISITOR'S REGISTER

NAME	REPRESENTING	Check One: Support	Check One: Oppose
Sid Gardner	Maine Nursing Home Assn	X	

MONTANA NURSING HOME ASSOCIATION

House Bill No. 219

Mr. Chairman and Members of the Committee:

My name is Roderic R. Gudgel. I am the Executive Director of the Montana Nursing Home Association and represent that organization in this appearance before you.

Section 93-2624, R.C.M., 1947, became law in 1971 but nursing home administrators, a newly licensed profession, and the facilities in which they practice were not included. It is strongly felt that the same conditions should be extended to this group of licensed health professionals and the licensed facilities in which they practice as are now extended to the other licensed health related professions and licensed hospitals.

Hospital administrators are not included in this proposal because they are not licensed.

January 23, 1973

JUDICIARY COMMITTEE

The eleventh meeting of the House Judiciary Committee was called to order in Committee Room 436 of the Capitol Building at Helena, Montana on Tuesday, January 23, 1973 at 9:00 a.m. Representative John C. Hall, Chairman, presided. All members were present.

HOUSE BILL 219 Representative Haines, chief sponsor, briefly summarized this bill and then introduced Mr. Rod Gudgel representing Montana Nursing Home Association who brought a prepared statement in support of this bill. (See Exhibit A) Brief discussion followed. Representative Bell moved DO PASS. Representative Lucas seconded motion. Motion DO PASS carried with Representatives Marbut and Greely opposed.

Chairman Hall stated next order of business was to dispose of the executive reorganization bills which are House Bills Nos. 180, 181, 182, 183, 184, 185, 186 and 172. No opponents or proponents to these bills excepting House Bills Nos. 184 and 186. Chairman Hall stated Mr. Bousilman of the Executive Reorganization Office would make a few remarks concerning these bills.

HOUSE BILLS NOS. 172, 180, 181, 182, 183, 185 Mr. Bousilman of Executive Reorganization Office stated he had prepared amendments to all of these bills and the act would become effective July 1, 1973. No further questions on these bills as a group. Chairman Hall moved to close hearing and stated, without objection, due to lack of time, decision on them would be considered at later date.

HOUSE BILL 186 Mr. Russell L. Roy of Communications Bureau, Department of Administration, testified in support of this bill. Mr. Roy stated he was in favor of abolition of law which created advisory board and feels this can be handled administratively. No opponents. Hearing closed and Chairman Hall moved to consider this bill at later date.

HOUSE BILL 184 This bill is an act to abolish the Outfitter's Advisory Board. Chairman Hall stated that due to the large number of witnesses present the proponents would be allowed fifteen minutes time and the opponents twenty minutes time.

Opponent Mr. Ralph Hallman of Big Timber, an outfitter, stated this proposal would seriously injure the efforts of outfitters. He stated the outfitters' industry is the third

NAME Rod Grudge! HOUSE BILL NO. 219

ADDRESS Box 908 DATE 1/23/73

WHOM DO YOU REPRESENT? Mont Nursing Home Assn

SUPPORT? X OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Exhibit A

Rod Gudgel

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Hospital administrators are not included in this proposal because they are not licensed.

visions of section 89-1611, if any there be; and all such lands shall be subject to a special tax or assessment for the payment of the interest on and principal of said bonds; and all amounts to be paid to the United States under any such contract between the district and the United States, and said special tax or assessment, shall constitute a first and prior lien on the land against which levied, to the same extent and with like force and effect as taxes levied for state and county purposes.

All liens herein created shall remain upon the lands for a period of eight (8) years after the date of maturity of the obligation; thereafter, the lands and the titles thereto shall be free from any such liens."

Approved: March 7, 1973.

CHAPTER NO. 191

An Act to Amend Section 93-2624, R.C.M. 1947, to Provide a Limitation During Which Actions For Professional Negligence can be Commenced Against Nursing Home Administrators and Long-Term Care Facilities.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 93-2624, R.C.M. 1947, is amended to read as follows:

"93-2624. **Actions for medical malpractice.** Action for injury or death against a physician or surgeon, dentist, registered nurse, *nursing home administrator,* dispensing optician, optometrist, licensed physical therapist, podiatrist, psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, clinical laboratory technologist, pharmacist, veterinarian, a licensed hospital *or long-term care facility* as the employer of any such person, based upon such person's alleged professional negligence, or for rendering professional services without consent, or for error or omission in such person's practice, shall be commenced within three (3) years after the date of injury or three (3) years after the plaintiff discovers, or through the use of reasonable diligence should have discovered, the injury whichever occurs last, but in no case may such action be commenced after five (5) years from the date of injury. However, this time limitation shall be tolled for any period during which such person has failed to disclose any act, error, or omission upon which such action is based and which is known to him, or through the use of reasonable diligence subsequent to said act, error or omission would have been known to him."

Approved: March 7, 1973.